



MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, AUGUST 9, 2016

The Council of the City of San José convened in Regular Session at 9:33 a.m. in the Council Chambers at City Hall.

Present: Councilmembers - Carrasco, Herrera, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Councilmembers - Jones. (Excused)

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no report.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:40 p.m. to a Closed Session in Room W133; (A) to confer with Legal Counsel pursuant to subsection (c) of Section 54956.9 of the Government Code with respect to anticipated litigation in one (1) matter; (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation; (1) In re: Claim of Mitchell; Amount of Money or Other Relief Sought: Administrative Appeal; (2) In re: Claim of Mendia; Amount of Money or Other Relief Sought: Administrative Appeal; (3) Lam v. City of San José, et al.; Names Of Partie(s) Involved: Hung Lam, individually, through his next friend, Kathy Lam; City of San José, Larry Esquivel and Dondi West; Court: United States District Court, Northern District of California, San José Division; Case No.: 14-CV-00877 PSG; Amount of Money or Other Relief Sought: Damages according to proof; (4) Moreno-Jimenez v. City, et al.; Names Of Partie(s) Involved: Ricardo Moreno-Jimenez Gennaro Antonio Strangis, City of San José, and Does 1-30; Court: Superior Court of California, County of Santa Clara; Case No.: 14-CV-274260; Amount of Money or Other Relief Sought: Damages according to

CLOSED SESSION (Cont'd.)

(5) Sharks Sports & Entertainment LLC v. City of San José, et al.; Names Of Partie(s) Involved: Sharks Sports & Entertainment LLC, City of San José, San Jose City Council, and Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No.: 16-CV-296834; Amount of Money or Other Relief Sought: Damages according to proof; (6) Cali-Arioto, LLC v. City; Names Of Partie(s) Involved: Cali-Arioto, LLC, the City of San José and Does 1-10; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No.: 16-CV-296549; Amount of Money or Other Relief Sought: Damages according to proof; (7) IAFF Local 230 v. City of San José; Names of Partie(s) Involved: International Association of Firefighters Local 230, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-969-M; Amount of Money or Other Relief Sought: Damages According to Proof; (8) IFPTE Local 21 v. City of San José; Names of Partie(s) Involved: International Federation of Professional and Technical Engineers Local 21, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-996-M; Amount of Money or Other Relief Sought: Damages According to Proof; (9) American Federation of State, County & Municipal Employees, et al. v. City; Names of Partie(s) Involved: American Federation of State, County & Municipal Employees, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-924-M; Amount of Money or Other Relief Sought: Damages According to Proof; (10) OE#3 v. City of San José; Names Of Partie(s) Involved: Operating Engineers Local Union No. 3, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-900-M; (11) ABMEI v. City, et al.; Names of Partie(s) Involved: Association of Building, Mechanical and Electrical Inspectors, City of San José; Court: State of CA Public Employment Relations Board; Case No.: UPC SF CE 1358 M; Amount of Money or Other Relief Sought: Damages According to Proof; (12) San José Retired Employees Association, et al. v. City, et al; Names of Parties Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José Does 1 – 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-233660; H040979; H042074; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (13) Sapien, et al. v. City of San José, et al; Names of Parties Involved: Robert Sapien, Marty Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B. (14) Harris, et al. v. City of San José, et al; Names of Parties Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226570; Amount of Money or Other Relief Sought: Challenge to Measure B. (15) Mukhar, et al. v. City of San José, et al; Names of Parties Involved: City of San José, John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, Debra Figone in her official capacity as City Manager of the City of San José, The Board of

CLOSED SESSION (Cont'd.)

Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226574; H040979; H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (16) AFSCME, et al. v. City of San José, et al; Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City Employees' Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-225928; H040979; H042074; Amount of Money or Other Relief Sought: Challenge to Measure B; (17) People of the State of California, et al. v. City of San José, et al.; Names of Parties Involved: The People of the State of California ex rel. San José Police Officers Association, City of San José, City Council of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-13-CV-245503; Amount of Money or Other Relief Sought: Verified Complaint In Quo Warranto; (18) Peter Constant, Steven Haug and Silicon Valley Taxpayers' Association v. Superior Court; Names Of Parties Involved: Peter Constant, Steven Haug, Silicon Valley Taxpayers' Association, a California non-profit Corporation, Proposed Intervenors, Appellants and Petitioners, Superior Court of California, County of Santa Clara, Respondent, the People of the State of California ex. Rel. San José Police Officers Association, Plaintiff, Respondent and Real Party in Interest, City of San José, City Council of San José, Defendants, Respondents and Real Parties in Interest; Court: Sixth District Court of Appeal; Case No.: H043540; Amount of Money or Other Relief Sought: Petition for Writ of Mandate or, In the Alternative, Supersedeas, or Other Appropriate Relief; (19) San José Retired Employees Association, et al. v. City of San José, et al; Names of Parties Involved: San José Retired Employees Association, Kirk Pennington, David Armstrong, Donna Jewett, Dorothy McGinley, City of San José, the Board of Administration for the Federated City Employees Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-268085; Amount of Money or Other Relief Sought: Change to City medical plan; (C) to Confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO; (6) International Association of Firefighters, Local 230 (IAFF); Nature of

CLOSED SESSION (Cont'd.)

Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW; (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Salaries, Hours, Working Conditions, etc.; Name of Existing Wages Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:42 a.m. and reconvened to Regular Session at 1:32 p.m. in the Council Chambers.

Present: Councilmembers - Carrasco, Herrera, Jones (2:30 p.m.), Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Councilmembers - All Present.

INVOCATION

The Cambodian Cultural Dance Troupe provided a classical Cambodian folk dance for the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Councilmember Tam Nguyen, seconded by Vice Mayor Rose Herrera and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Items 3.13 and 3.14 heard immediately following Orders of the Day. (10-0-1. Absent: Jones.)

CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Tim Quigley, outgoing board member and past president of the San José Police Foundation for his many accomplishments over his 10 years of service on the San José Police Foundation Board of Directors. (Rocha)**

Mayor Sam Liccardo and Councilmember Donald Rocha commended Tim Quigley, outgoing board member and past president of the San José Police Foundation for his strong commitment to public safety and his many accomplishments over his 10 years of service on the San José Police Foundation Board of Directors.

- 1.2 Presentation of a commendation to Venture Christian Church, for positively impacting the City of San José mobilizing volunteers to improve the community. (Khamis)**

Mayor Sam Liccardo and Councilmember Johnny Khamis commended Venture Christian Church, for positively impacting the City of San José through their “Beautiful Day” projects that have mobilized volunteers to improve schools and neighborhoods.

CONSENT CALENDAR

Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Manh Nguyen and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

- 2.1 Approval of minutes:**

None provided.

- 2.2 Final Adoption of Ordinances.**

None provided.

- 2.3 Approval of Council Committee Minutes.**

- (a) Rules and Open Government Committee Minutes of June 15, 2016. (Mayor)**
(b) Public Safety, Finance and Strategic Support Committee Minutes of June 16, 2016. (Oliverio)

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

Documents Filed: (1) Rules and Open Government Committee Minutes dated June 15, 2016; (2) Public Safety, Finance, and Strategic Support Committee Minutes dated June 16, 2016. (11-0.)

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Board and Commission Appointments.

(a) Approve the following Board and Commission appointments:

- (1) Council Appointment Advisory Commission:**
 - i. District 6 Seat: Appoint Linda Stone to a term expiring 12/31/19;**
- (2) Historic Landmarks Commission:**
 - i. One Seat: Appoint Melissa Daniels to a term expiring 6/30/19;**
- (3) Housing and Community Development Commission:**
 - i. District 6 Seat: Appoint Andrea Wheeler to a term expiring 6/30/19;**
- (4) Neighborhoods Commission:**
 - i. District 7 Seat: Appoint Jonathan Fleming to a term expiring 6/30/18;**
- (5) Senior Citizens Commission:**
 - i. District 3 Seat: Appoint Sherl Chambliss to a term expiring 6/30/17;**
- (6) Youth Commission:**
 - i. District 3 Seat: Appoint Angelique Avila to a term expiring 5/31/17.**

Documents Filed: (1) Eight (8) memoranda from City Attorney Richard Doyle, dated July 21, 27, 29, and August 4, 2016, providing disclosure of potential conflicts of interest or incompatible offices for Board and Commission appointments. (2) Memorandum from City Clerk Toni J. Taber, CMC, dated July 29, 2016, recommending Board and Commission appointments. (3) Supplemental memorandum from City Clerk Toni J. Taber, CMC, dated August 5, 2016, transmitting names of nominations of the Boards and Commission appointments. (4) Seven memoranda from Division Manager, Planning Building and Code Enforcement, Rachel Roberts, dated July 20 and July 27, 2016, offering the review of the list of Commission applicants.

Public Comments: Gail Osmer provided comments regarding the Housing and Community Development Commission appointment, stressing that those on the Commission need to know something about the subjects they are addressing.

2.7 Board and Commission Appointments (Cont'd.)

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Manh Nguyen and carried unanimously, the following Board and Commission appointments were accepted: (1) Council Appointment Advisory Commission: District 6 Seat: Appoint Linda Stone to a term expiring 12/31/19; (2) Historic Landmarks Commission: One Seat: Appoint Melissa Daniels to a term expiring 6/30/19; (3) Housing and Community Development Commission: District 6 Seat: Appoint Andrea Wheeler to a term expiring 6/30/19; (4) Neighborhoods Commission: District 7 Seat: Appoint Jonathan Fleming to a term expiring 6/30/18; (5) Senior Citizens Commission: District 3 Seat: Appoint Sherl Chambliss to a term expiring 6/30/17; (6) Youth Commission: District 3 Seat: Appoint Angelique Avila to a term expiring 5/31/17. (11-0.)

(b) Continue the following Board and Commission appointments to Fall 2016:

- (1) Council Appointment Advisory Commission:**
 - i. District 4 Seat with a term expiring 12/31/16;**
- (2) Housing and Community Development Commission:**
 - i. District 5 Seat with a term expiring 12/31/19;**
 - ii. Citywide Seat with a term expiring 12/31/19;**
- (3) Human Services Commission:**
 - i. District 3 Seat with a term expiring 12/31/16;**
- (4) Library and Early Education Commission:**
 - i. Early Education/Childcare Seat with a term expiring 6/30/18;**
 - ii. Early Education/Childcare Seat with a term expiring 6/30/20;**
 - iii. Early Education/Childcare Seat with a term expiring 6/30/20;**
- (5) Youth Commission:**
 - i. District 7 Seat with a term expiring 5/31/17.**

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Manh Nguyen and carried unanimously, the following Board and Commission appointments were continued to Fall 2016: (1) Council Appointment Advisory Commission: District 4 Seat with a term expiring 12/31/16; (2) Housing and Community Development Commission: (i) District 5 Seat with a term expiring 12/31/19; (ii) Citywide Seat with a term expiring 12/31/19; (3) Human Services Commission: District 3 Seat with a term expiring 12/31/16; (4) Library and Early Education Commission; (i) Early Education/Childcare Seat with a term expiring 6/30/18; (ii) Early Education/Childcare Seat with a term expiring 6/30/20; (iii) Early Education/Childcare Seat with a term expiring 6/30/20; (5) Youth Commission: District 7 Seat with a term expiring 5/31/17. (11-0.)

- 2.8 Neighborhoods Commission 2016 Caucus Appointments.**
Appointment of the following persons to fill Council District vacancies on the Neighborhoods Commission to a term ending June 30, 2020:
- (a) Council District 2: David Wilkins and Perry Henry**
 - (b) Council District 4: John Semanik and Mark Espinoza**
 - (c) Council District 6: Olivia Navarro and Jim Carter**
 - (d) Council District 8: Nichole Edraos and Harbinder Sikka**
 - (e) Council District 10: Nick Labosky and Richard Giammona**
- CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Manager)**

Documents Filed: (1) Memorandum from Deputy City Manager Julia Edmonds-Mares, dated July 25, 2016, recommending appointments to fill vacancies on the Neighborhoods Commission. (2) Memorandum from Planning, Building and Code Enforcement Division Manager, Mollie Mcleod, dated July 29, 2016, regarding an applicant code review.

Councilmember Pierluigi Oliverio pulled Item 2.8 to speak to concerns regarding appointing two representatives from the same neighborhood.

Motion: Councilmember Pierluigi Oliverio moved bifurcating item (c), the appointment of Olivia Navarro and Jim Carter to Council District 6, and recommending deferral of this appointment for two weeks to allow outreach to the neighborhood caucus. The motion was seconded by Councilmember Donald Rocha.

Action: On a call for the question, the motion was carried and, Item (c) was deferred to August 24, 2016 to allow outreach to the neighborhood caucus and proposed delegates for District 6 to address concerns regarding selecting an appointee from a different geographical area. (10-1. Noes: Herrera.)

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Manh Nguyen and carried unanimously, Items (a), (b), (d) and (e) were approved, accepting appointments as follows: (a) Council District 2: David Wilkins and Perry Henry; (b) Council District 4: John Semanik and Mark Espinoza; (d) Council District 8: Nichole Edraos and Harbinder Sikka; (e) Council District 10: Nick Labosky and Richard Giammona. (11-0.)

- 2.9 Adopt a resolution authorizing the City Manager or his designee to execute a Third Amendment to the Sublease for the use of real property for the Spartan Keyes Neighborhood Action Center, between the City of San José and Roem Development Corporation, allowing for continued use of 2,256 square feet of commercial space for community gatherings as well as office space for staff. CEQA: Mitigated Negative Declaration and Addenda thereto, File No. PDC03-018 and PD04-065. Council District 3. (Economic Development)**

Documents Filed: City Council Action Request from Deputy City Manager/Director of Economic Development Kim Welsh, dated August 9, 2016, recommending adoption of a resolution.

2.9 (Cont'd.)

Action: Resolution No. 77884, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager or His Designee to Execute a Third Amendment to the Sublease for the Use of Real Property for the Spartan Keyes Neighborhood Action Center, Between the City of San José and Roem Development Corporation", was adopted. (11-0.)

2.10 As recommended by the Rules and Open Government Committee on July 27, 2016, approve the creation of an Ad-Hoc Committee on Development Services and setting the dates for the meetings to be held in the City Manager's Conference Room. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities that involve no physical changes to the environment. (Mayor)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated July 27, 2016, transmitting the recommendations of the Rules and Open Government Committee.

Action: The creation of an Ad-Hoc Committee on Development Services and setting the dates for the meetings to be held in the City Manager's Conference Room, was approved. (11-0.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report).

City Manager Norberto Dueñas highlighted the National Night Out events throughout the City of San José, and congratulated Director of Finance Julia H. Cooper for her recent appointment to the Board of Directors of the Municipal Securities Rulemaking Board.

- 3.3 (a) Adopt a resolution to approve Council Policy 0-4, "Consolidated Policy Governing Boards and Commissions," updating and combining Council Policy 0-4 (Consolidated Board and Commission Policies) and Council Policy 0-36 (City Council/Commission Code of Conduct).**
- (b) Approve an ordinance amending various sections of Chapter 2.08 of Title 2 of the San José Municipal Code to update and clarify provisions such as voting and appointment processes for various boards and commissions, Retirement Board and Youth Commission term limits, and deleting sections relating to eliminated commissions.**
- (c) Approve an ordinance amending Sections 2.08.1600, 12.02.010, 12.04.025, 12.04.080, 12.04.100, 12.05.080, 12.06.920, and 12.21.430 of the San José Municipal Code renaming the Ethics Commission to Title 12 Commission to reflect the commission's duties and responsibilities regarding Title 12 as set forth in Section 12.04.070 of the Municipal Code.**

CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (City Clerk)

3.3 (Cont'd.)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated August 9, 2016, recommending approval of Staff recommendations with further direction. (2) Memorandum from City Clerk Toni J. Taber, CMC, dated June 10, 2016, recommending adoption of a resolution and approval of ordinances. (3) Supplemental memorandum from City Attorney Richard Doyle, dated July 28, 2016, adding definition of voting for boards and commissions.

City Clerk Toni J. Taber, CMC provided opening comments, and Mayor Sam Liccardo outlined salient points of his memorandum dated August 9, 2016.

Motion: Vice Mayor Rose Herrera moved approval of the Staff recommendations, including direction as outlined in Mayor Sam Liccardo's memorandum dated August 9, 2016. She further moved bifurcating the item, recommending that Item (c), renaming of the Ethics Commission, be voted on separately. Councilmember Chappie Jones seconded the motion.

Council discussion followed.

Action: On a call for the question, the motion carried unanimously, and items (a) and (b) were approved, and Resolution No. 77891, entitled: "A Resolution of the Council of the City of San José Approving Revisions to Council Policy 0-4 Relating to Policies Governing Boards and Commissions and Rescinding Council Policy 0-36", was adopted; Ordinance No. 29771, entitled "An Ordinance of the City of San José Amending Various Sections of Chapter 2.08 of Title 2 of the San José Municipal Code to Update and Clarify Provisions Such as Voting and Appointment Processes for Various Boards and Commissions, Retirement Board and Youth Commission Term Limits, and Deleting Sections Relating to Eliminated Commissions", was passed for publication. (11-0.)

Motion: Vice Mayor Rose Herrera moved renaming the "Ethics Commission" to "Commission on Local Political Practices and Ethics". Councilmember Johnny Khamis seconded the motion.

Substitute Motion: Councilmember Donald Rocha recommended that the Ethics Commission be renamed to the "Board of Fair Campaign and Political Practices." Vice Mayor Rose Herrera seconded the motion.

Action: On a call for the question, the motion carried, and Ordinance No. 29772, entitled "An Ordinance of the City of San José Amending Section 2.08.1600 of Chapter 2.08 of Title 2 and Section 12.02.010 of Chapter 12.02, Sections 12.04.025, 12.04.080, and 12.04.100 of Chapter 12.04, Section 12.05.080 of Chapter 12.05, Section 12.06.920 of Chapter 12.06, and Section 12.21.430 of Chapter 12.21 of Title 12 of the San José Municipal Code Renaming the Ethics Commission to the 'Board of Fair Campaign and Political Practices' to Reflect the Commission's Duties and Responsibilities as Set Forth in Section 12.04.070 of the San José Municipal Code", was passed for publication. (10-1. Noes: M. Nguyen.)

- 3.4 Accept the report on the Request for Proposal for the purchase and implementation of a Service Request Management (SRM) / Customer Relationship Management (CRM) Software System, and adopt a resolution authorizing the City Manager to:**
- (a) Negotiate and execute Agreements with AST Corporation (Naperville, IL) and Oracle America, Inc. (Redwood City, CA) for the purchase and implementation of a SRM/CRM Software System, including software, implementation, configuration, hosting, testing, training, and related professional services, for an initial five-year term commencing on or about July 1, 2016 and ending on or about July 31, 2021, with maximum compensation amounts of not-to-exceed \$173,600 and \$380,706, respectively, subject to the appropriation of funds;**
 - (b) Execute change orders to cover any additional requirements during the initial five-year term including but not limited to additional mobile application development, and enhanced integration/automation, not-to-exceed \$200,000, subject to the appropriation of funds; and**
 - (c) Execute up to five one-year options to extend the term of the Agreements after the initial five-year term through July 31, 2026 to provide ongoing software subscription, hosting, and technical support services, estimated at \$76,141 per year, subject to the appropriation of funds.**

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Finance)

Action: Deferred to August 23, 2016 per Administration.

- 3.5 As recommended by the Public Safety, Finance, and Strategic Support Committee on June 16, 2016, accept the Audit of the Office of the City Clerk: Streamlining Processes and Clarifying Roles Can Better Ensure Compliance with Statutory Responsibilities. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports that involve no approval of any City Actions. (City Auditor) [Public Safety, Finance, and Strategic Support referral 6/16/16 – Item (d)(1)]**

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Councilmembers Jones and Rocha dated August 5, 2016, accepting recommendations with additional direction. (2) Memorandum from City Clerk Toni J. Taber, CMC, dated July 27, 2016, providing recommendations of the Public Safety, Finance & Strategic Support Committee.

City Auditor Sharon Erickson provided a presentation, and City Clerk Toni J. Taber, CMC responded to questions from Council.

Motion: Vice Mayor Rose Herrera moved approval of the Audit of the Office of the City Clerk, including direction as outlined in the joint memorandum she co-authored with Mayor Sam Liccardo and Councilmembers Jones and Rocha, dated August 5, 2016. The motion was seconded by Councilmember Chappie Jones.

3.5 (Cont'd.)

Action: Upon motion by and carried unanimously, the recommendations of the Audit of the Office of the City Clerk: Streamlining Processes and Clarifying Roles Can Better Ensure Compliance with Statutory Responsibilities was accepted, including the joint memorandum from Mayor Sam Liccardo, Vice Mayor Herrera, and Councilmembers Jones and Rocha, dated August 5, 2016, directing the City Clerk, in coordination with the Mayor's Office, develop a detailed workplan to aggressively implement recommendations in the Audit and report to Council in September for discussion and approval; and directing the City Clerk, in coordination with the Mayor's Office and City Attorney's Office, to refine Council Office trainings and the "New Council Office" transition plan to ensure a smooth transition for outgoing and incoming Council Offices this year. (11-0.)

3.6 **As recommended by the Public Safety, Finance, and Strategic Support Committee on June 16, 2016, accept the Audit of the Police Response to Animal Calls for Service. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports that involve no approval of any City Actions. (City Auditor)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated July 27, 2016, providing recommendations of the Public Safety, Finance & Strategic Support Committee.

City Auditor Sharon Erickson provided a presentation.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Raul Peralez and carried unanimously, the recommendations of the Public Safety, Finance, and Strategic Support Committee on June 16, 2016, accept the Audit of the Police Response to Animal Calls for Service, were accepted. (11-0.)

3.7 **Planning Commission Interviews.**

- (a) **Interview applicants for appointment to the Planning Commission;**
- (b) **Appoint up to two (2) applicants to the Planning Commission to an unexpired term ending June 30, 2020; and**
- (c) **If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.**

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)

Documents Filed: (1) Memorandum from City Attorney Richard Doyle, dated July 22, 2016, regarding routine review of applications. (2) Memorandum from City Clerk Toni J. Taber, CMC, dated July 29, 2016, regarding appointments to the Planning Commission. (3) Supplemental memorandum from City Clerk Toni J. Taber, CMC, dated August 5, 2016, transmitting names of candidates to be interviewed. (4) Memorandum from Division Manager, Planning Building and Code Enforcement, Rachel Roberts, dated July 20, 2016, offering the Planning commission applicant code review. (5) Hard copy of Councilmembers' vote tallies, dated August 9, 2016.

3.7 (Cont'd.)

The following applicants were interviewed: Namrata Vora, John Salah, Robin Doran, Adam Mayberry and Peter Allen. Tina Garg could not be present for the interview and provided a written submission.

Councilmember Manh Nguyen recused himself from the vote, disclosing that one of the candidates is his former campaign consultant.

Councilmembers marked ballots for appointment to the Planning Commission.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Johnny Khamis and carried unanimously, Namrata Vora and Peter Allen were appointed to the Planning Commission to an unexpired term ending June 30, 2020. (10-0-0-1. Recused: M. Nguyen.)

3.8 Consider re-appointment of Saeed Chaudury to the Human Services Commission for the remainder of his unexpired term ending December 31, 2018 upon finding that there was good excuse for his absence from Commission meetings or upon finding that the re-appointment will be in the City's best interests. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated July 29, 2016, providing a recommendation to consider re-appointment of Saeed Chaudury to the Human Resources Commission.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Johnny Khamis and carried unanimously, the re-appointment of Saeed Chaudury to the Human Services Commission for the remainder of his unexpired term ending December 31, 2018. (11-0.)

3.9 Adopt a resolution establishing the Fiscal Year 2016-2017 property tax levy on all taxable property within the City of San José for the purpose of funding the City's general obligation bonded indebtedness and pay the related administration fee to the County. CEQA: Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism. (Finance)

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, recommending adoption of a resolution.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Pierluigi Oliverio and carried unanimously, Resolution No. 77892, entitled: "A Resolution of the Council of the City of San José Authorizing Establishing the Fiscal Year 2016-2017 Property Tax Levy for the City's General Obligation Bond Indebtedness", was adopted. (11-0.)

- 3.10 Conduct a Public Hearing on the Fiscal Year 2016-2017 annual report prepared by the Director of Finance detailing the Residential Solid Waste Collection Service Charges filed with the City Clerk's Office; and adopt a resolution to confirm the approval of the report and the placement of charges as set forth therein on the 2016-2017 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (Finance)**

Documents Filed: (1) Memorandum from Director of Finance Julia H. Cooper, dated July 27, 2016, recommending conducting a public hearing and adoption of a resolution. (2) Proof of Publication of Notice of Public Hearing, executed on July 19, 2016 and July 26, 2016, submitted by the City Clerk.

Public Comments: Mayor Sam Liccardo opened the public hearing. There was no public testimony from the floor. Mayor Sam Liccardo closed the public hearing.

Environmental Services Manager Jeff Anderson responded to Council questions regarding rates.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Chappie Jones and carried unanimously, Resolution No. 77893, entitled: "A Resolution of the Council of the City of San José Confirming the Approval of the Annual Report for Fiscal Year 2016-2017 of the Director of Finance on Residential Solid Waste Collection Services Charges, and Confirming the Approval of the Placement of Charges as Set Forth Therein on the 2016-2017 Tax Roll", was adopted. (11-0.)

- 3.11 Conduct a Public Hearing on the Fiscal Year 2016-2017 annual report prepared by the Director of Finance detailing the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges filed with the City Clerk's Office; and adopt a resolution to confirm the approval of the report and the placement of the charges as set forth therein on the 2016-2017 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities.**

Documents Filed: (1) Memorandum from Director of Finance Julia H. Cooper, dated July 27, 2016, recommending conducting a public hearing and adoption of a resolution. (2) Proof of Publication of Notice of Public Hearing, executed on July 19, 2016 and July 26, 2016, submitted by the City Clerk.

Public Comments: Mayor Sam Liccardo opened the public hearing. There was no public testimony from the floor. Mayor Sam Liccardo closed the public hearing.

3.11 (Cont'd.)

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Johnny Khamis and carried unanimously, Resolution No. 77894, entitled: "A Resolution of the Council of the City of San José Confirming the Approval of the Annual Report for Fiscal Year 2016-2017 of the Director of Finance on Sanitary Sewer Service and Use Charges and Storm Sewer Charges, and Confirming the Approval of the Placement of Charges as Set Forth Therein on the 2016-2017 Tax Roll", was adopted. (11-0.)

3.12 Adopt a resolution to:

- (a) **Amend the City of San José Pay Plan effective August 14, 2016, to create the Water Systems Assistant Operator II (3637) classification; and**
- (b) **Amend the City of San José Pay Plan effective August 14, 2016, to change the salary range and title for the Water Systems Assistant Operator I (3631) (formerly Water Meter Reader) classification.**

CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources)

Documents Filed: Memorandum from Director of Human Resources, Joe Angelo, dated July 28, 2016, recommending adoption of a resolution.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Johnny Khamis and carried unanimously, Resolution No. 77895, entitled: "A Resolution of the Council of the City of San José Amending the City of San José Pay Plan for Various Job Classifications", was adopted. (11-0.)

- ### 3.13
- (a) **Council discussion and consideration of City options for updating and modernizing the current Business Tax for the November 8, 2016, general election.**
 - (b) **If Council wishes to proceed, adopt a resolution of the City Council calling and giving notice, on its own motion, for a Special Municipal Election to be held on November 8, 2016, to submit to the electors of the City of San José the following measure:**

Continued from Council Meeting of 8/2/16, Item 3.3., and heard directly following the Orders of the Day.

Documents Filed: Memorandum from Mayor Sam Liccardo, dated August 5, 2016, recommending adoption of resolutions.

3.13 San José Business Tax Modernization (Cont'd.)

- (c) **Council discussion and consideration of whether the full text of the proposed ordinance should be printed in the November 8, 2016, Voter’s Sample Ballot, pursuant to Elections Code 12111, to be incorporated in the resolution calling the election;**
- (d) **Council discussion and consideration of whether to permit rebuttal arguments and authorize the City Council or any member or members of the City Council to submit a rebuttal argument in favor of the City measure in the November 8, 2016, Voter's Sample Ballot, pursuant to Elections Code Section 9285, to be incorporated in the resolution calling the election;**
- (e) **Council discussion and consideration of whether to authorize the City Council or any member or members of the City Council to submit an argument in favor of the City measure on the November 8, 2016, Voter's Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election;**

Motion: Vice Mayor Rose Herrera moved approval of submission to the electors of the City of San José the measure as outlined in the memorandum authored by Mayor Sam Liccardo, dated August 5, 2016; including declining to include the full text, declining rebuttal arguments, and authorizing Mayor Sam Liccardo to submit an argument in favor of the City Measure. The motion was seconded by Councilmember Donald Rocha.

Action: On a call for the question, the motion carried unanimously, and Resolution No. 77896, entitled: “A Resolution of the Council of the City of San José, Calling and Giving Notice of on its Own Motion, the Submission to the Electors of the City Of San José, at a Special Municipal Election to be Held on November 8, 2016, a Ballot Measure Proposal to Amend and Restate Chapter 4.76 of Title 4 of the San José Municipal Code to Revise the City of San José Business Tax”, was adopted, with recommendations as outlined in Mayor Sam Liccardo’s memorandum dated August 5, 2016, to submit to the electors of the City of San José the following measure:

San José Business Tax Modernization

Shall an ordinance be adopted modernizing San José’s 1986 business tax to fund essential services - such as police, emergency response, and pothole repair – with approximately \$12 million in additional annual revenue by: raising the base tax from \$150 to \$195; increasing rates incrementally for larger businesses, as provided in the ordinance at http://sanjoseca.gov/business-tax-2016 ; adjusting for inflation; expanding exemptions for small businesses and financial hardship; and allowing online registration and payment?	YES	
	NO	

Including declining to include the full text, declining rebuttal arguments, and authorizing Mayor Sam Liccardo to submit an argument in favor of the City Measure. (10-0-1 Absent: Jones.)

3.13 (Cont'd.)

- (f) **Direct the City Clerk to take all actions necessary to place this measure for a November 8, 2016, Special Municipal Election, if needed.**

(Continued from 8/2/16 – Item 3.3)

Approved during the Council Meeting of August 2, 2016.

- 3.14 (a) **Council discussion and consideration of the Alternative Pension Reform Act ballot measure agreed to by the City and its bargaining units for the November 8, 2016, general election;**
- (b) **If the Council wishes to proceed, adopt a resolution of the City Council calling and giving notice, on its own motion, for a Special Municipal Election to be held on November 8, 2016, to submit to the electors of the City of San José, the following measure:**

Alternative Pension Reform Act

Shall the Charter be amended to minimize financial risk to taxpayers for pensions and retiree healthcare of employees newly hired after dates specified in this measure; reduce costs of supplemental pension payments; safeguard disability retirement protections for injured firefighters and police; ensure pension plans are actuarially sound; require voter approval for benefit increases; among other changes in this measure agreed upon by the Mayor, City Council, police officers, firefighters, and employees?	YES	
	NO	

- (c) **Council discussion and consideration of whether the full text of the proposed ordinance should be printed in the November 8, 2016, Voter’s Sample Ballot, pursuant to Elections Code 12111, to be incorporated in the resolution calling the election;**
- (d) **Council discussion and consideration of whether to permit rebuttal arguments and authorize the City Council or any member or members of the City Council to submit a rebuttal argument in favor of the City measure in the November 8, 2016, Voter’s Sample Ballot, pursuant to Elections Code Section 9285, to be incorporated in the resolution calling the election;**
- (e) **Council discussion and consideration of whether to authorize the City Council or any member or members of the City Council to submit an argument in favor of the City measure on the November 8, 2016, Voter’s Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election;**
- (f) **Direct the City Clerk to take all actions necessary to place this measure for a November 8, 2016, Special Municipal Election, if needed.**

CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (City Manager)

(Deferred from 8/2/16 – Item 3.4)

3.14 Alternative Pension Reform Act (Cont'd.)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated August 8, 2016, recommending approval of staff recommendations and adoption of resolutions with direction as indicated. (2) Supplemental memoranda from City Manager Norberto Dueñas, dated August 1 and August 8, 2016, regarding deferral of item 3.4 on the August 2, 2016 Council agenda, and providing Council with the Side letter with bargaining unit representatives signatures and with ballot measure language. (3) Presentation regarding the Alternative Pension Reform Act, dated August 9, 2016.

City Manager Norberto Dueñas outlined ballot measure language as presented in the supplemental memorandum he submitted on August 8, 2016.

Director Office of Employee Relations Jennifer Schembri provided a presentation.

Motion: Councilmember Raul Peralez moved approval of Mayor Sam Liccardo's memorandum dated August 8, 2016. The motion was seconded by Vice Mayor Rose Herrera.

Action: On a call for the question, the motion carried, and Resolution No. 77897, entitled: "A Resolution of the Council of the City of San José Calling and Giving Notice of, On Its Own Motion, the Submission to the Electors of the City of San José, at a Special Municipal Election to be Held on November 8, 2016, a Ballot Measure Proposal to Modify Retirement Benefits", was adopted, staff recommendations approved, and direction as outlined in Mayor Sam Liccardo's memorandum dated August 8, 2016, including the proposed ballot measure as follows:

Alternative Pension Reform Act

Shall the Charter be amended to minimize financial risk to taxpayers for pensions and retiree healthcare of employees newly hired after dates specified in this measure; reduce costs of supplemental pension payments; safeguard disability retirement protections for injured firefighters and police; ensure pension plans are actuarially sound; require voter approval for benefit increases; among other changes in this measure agreed upon by the Mayor, City Council, police officers, firefighters, and employees?	YES	
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And to include the full text, include rebuttal arguments, and for Mayor Sam Liccardo to submit an argument in favor of the City measure, as recommended in his memorandum dated August 8, 2016. (10-1. Noes: Oliverio.)

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 (a) Approve the recommendation that the End of Watch police memorial be located at the City's Police Administration Building;
- (b) Direct staff to proceed with the procurement of a design for the memorial in a process consistent with City's public art process; and
- (c) Continue to approve and accept donations from various individuals, businesses, or community groups to support the project.

CEQA: Exempt, Section 15301 Existing Facilities, File No. PP16-006. (Economic Development)

(Deferred from 6/7/16 – Item 4.2)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated August 5, 2016, recommending acceptance of the staff memorandum, with direction to appropriate additional monies from the Mayor's Office Budget. (2) Memorandum from Councilmember Raul Peralez, dated August 8, 2016, recommending acceptance of the staff and Mayor's memoranda. (3) Memorandum from Deputy City Manager/Director of Economic Development Kim Walesh, dated July 28, 2016, approving recommendations with direction to staff.

Chief of Police Edgardo Garcia and Director of Cultural Affairs, Kerrie Adams Hapner offered a presentation and comments regarding the proposed End of Watch police memorial.

Public Comments: Offering support to the memorial and urging actions needed to unify our community, were Roma Dawson, John Montzoneidis, San Jose Police Officer's Association; Sean O'Kane, San Jose Police Foundation; Katherine Decker, mother of fallen Officer Michael Johnson; Patricia McDonald, Our Last Watch, and Tamara Alvarado. Mark Trout spoke off topic.

Vice Mayor Rose Herrera and Councilmembers Peralez, Rocha, Manh Nguyen, Kalra and Carrasco each offered direction to appropriate funds from their individual district budgets as indicated below in "Action".

Action: Upon motion by Councilmember Donald Rocha, seconded by Vice Mayor Rose Herrera and carried unanimously, the recommendation that (a) The End of Watch police memorial be located at the City's Police Administration Building; (b) Staff to proceed with the procurement of a design for the memorial in a process consistent with City's public art process; and (c) Continue to approve and accept donations from various individuals, businesses, or community groups to support the project, was approved, including memoranda from Mayor Sam Liccardo, dated August 5, 2016 and from Councilmember Raul Peralez, dated August 8, 2016, with additional direction to the City Manager and City Clerk to appropriate an additional \$10,000 from the Mayor's Office Budget; \$3,000 from Vice Mayor Rose Herrera's budget (D8); \$3,000 from Councilmember Donald Rocha's budget (D9); \$3,000 from Councilmember Raul Peralez' budget (D3); \$5,000 from Councilmember Manh Nguyen's budget (D4); \$3,000 from Councilmember Magdalena Carrasco's budget (D5); and \$3,000 from Councilmember Ash Kalra's budget (D2); to the Police "End of Watch" Memorial Fund (2701). (11-0.)

- 4.2 (a) Approve an ordinance amending Sections 20.100.500, 20.100.630, 20.100.720, 20.100.820, 20.100.940, 20.100.1010, 20.100.1020, 20.100.1030, 20.100.1040, 20.100.1050, 20.100.1080, and 20.100.1090 of Chapter 20.100 and adding Sections 20.200.1052 and 20.200.1054 of Chapter 20.200 of Title 20 of the San José Municipal Code (Zoning Code) and repealing Section 23.02.465 of Chapter 23.02 of Title 23 of the San José Municipal Code (Sign Code) to:
- (1) Add provisions requiring findings of consistency with General Plan goals and policies, and other City Council-adopted policies including the new City Council Policy described under subsection (b) below.
 - (2) Add provisions requiring proposed single-family house development in conventional zoning districts that involves ground-disturbing activity within one hundred (100) feet of a riparian corridor to obtain approval of a Single-Family House Permit.
 - (3) Add a definition of “riparian”, and “riparian corridor” in the Zoning Code and delete the Sign Code Definition of “riparian corridor”.
 - (4) Correct inadvertent deletion of previously approved code amendments.
 - (5) Make other technical, formatting or non-substantive changes with the Zoning Code.
- (b) Adopt a resolution approving a new City Council Policy, entitled “Riparian Corridor Protection and Bird-Safe Design Policy”, to provide guidance for riparian corridor protection in furtherance of the goals, policies, and actions of the General Plan for: 1) protecting, preserving, or restoring riparian habitat; 2) minimizing urban runoff to creeks, rivers, and streams; 3) controlling erosion; and 4) encouraging bird-safe design within the area north of State Route 237, by:
- (1) Clarifying standards for development and activities located up to three hundred (300) feet of the edge of a riparian corridor, including but not limited to limitations on activities, new structures, and impervious surfaces within riparian setbacks; and
 - (2) Providing bird-safe design standards for development located within the north of State Route 237 to reduce the potential for bird strikes for species associated with baylands or riparian habitats of lower Coyote Creek.

Planning Commission recommends approval (5-0-2, Ballard and Pham absent).
CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final EIR and Supplemental EIR, File No. PP15-118. (Planning, Building and Code Enforcement) PP15-118 – Citywide
(Deferred from 6/28/16 – Item 4.6)

Action: Deferred to August 23, 2016 per Rules & Open Government Committee.

- 4.3 Report on bids and award of contract for the 7631 - Traffic Signal Unit 2014B San José Pedestrian Oriented Traffic Signals Federal Project No. CML-5005(127) - Phase 1 - REBID to the low bidder, Redgwick Construction Company, in the amount of \$1,142,545 and approval of a contingency in the amount of \$114,255. CEQA: Exempt, File No. PP12-066, Section 15301 (c) dated July 24, 2012. NEPA: 23 USC 326; 23 CFR 771.117(c)(8). Council District 5. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated July 28, 2016, recommending acceptance of a report on bids and award of a contract.

Councilmember Chappie Jones commended the staff and contractor for their diligent efforts.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Chappie Jones and carried unanimously, the Report on bids and award of contract for the 7631 - Traffic Signal Unit 2014B San José Pedestrian Oriented Traffic Signals Federal Project No. CML-5005(127) - Phase 1 - REBID to the low bidder, Redgwick Construction Company, in the amount of \$1,142,545 with related contingency, was approved. (11-0.)

NEIGHBORHOOD SERVICES

- 5.1 (a) Report on bids and award of a construction contract for 7855 – Bramhall Restroom-Concession-Storage Building Project to the sole bidder, Tucker Construction, Inc., for the base bid in the amount of \$1,116,524 and approval of a contingency in the amount of \$111,652.**
- (b) Adopt a resolution authorizing the Director of Public Works to negotiate and execute any single and/or multiple change orders up to the amount of the contingency.**
- (c) Adopt the following 2016-2017 Appropriation Ordinance Amendments in the Subdivision Park Trust Fund:**
- (1) Decrease the Bramhall Park Lawn Bowling Green Renovation project to the Parks, Recreation and Neighborhood Services Department Project by \$144,000; and**
 - (2) Increase the Bramhall Park Restroom and Concession Building project to the Parks, Recreation and Neighborhood Services Department by \$144,000.**

CEQA: Exempt, File No. PP15-065. Council District 6. (Public Works / Parks, Recreation and Neighborhood Services / City Manager)

Action: Deferred to August 16, 2016 per Administration.

OPEN FORUM

- (1) Blair Beekman addressed the San José Pedestrian Oriented Traffic Signals Federal Project, recommending a more effective bicycle safety improvement plan.
- (2) Mark Trout expressed personal and political views.

ADJOURNMENT

The Council of the City of San José adjourned at 5:52 p.m. in memory of Colin O’Kane, a San José homegrown athlete and scholar, graduate of Archbishop Mitty High School and Sonoma State University, and son of Sean and Ann O’Kane. Colin passed away at the age of 25 on June 3, 2016. (Rocha)

Minutes Recorded, Prepared and Respectfully Submitted by,



Toni J. Taber, CMC
City Clerk

mk/08-09-16 MIN